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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,893	08/24/2001	Robert Seseck	10010609-1	2504

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,893

Applicant(s)

SESEK ET AL.

Examiner

Houshang Safaipoor

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-18, 21-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 19, 20 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's amendment received on April 6, 2005 has been reviewed and made of record.

Rejection of claims under 35 U.S.C. 112 second paragraph is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7-10, 13-18, 21, 22, 24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurata et al. (U.S. Patent No. 4,518,999).

Regarding claim 1, Kurata et al. discloses a scan window apparatus for defining and identifying a selected scan window within an overall scanable surface of a scanning device, the scanable surface being defined by a first edge and a second edge which intersects the first edge, the scan window apparatus comprising:

a scan window definition device to allow a user to define the selected scan window on the scanable surface (fig. 3, position designating cursors 23 and 24, col. 2 line 55 through col. 3, line 9); and

a scan window illumination device configured to illuminate the selected scan window (fig. 4, lamps 31 and 32).

Regarding claim 2, Kurata et al. discloses the scan window apparatus of claim 1, and wherein the scanable surface comprises an essentially transparent platen defined by a first side on which an object to be scanned can be placed, and an opposite second side, and wherein the scan window illumination device comprises a light source positioned to direct light to the second side of the platen (fig. 3, platen 21).

Regarding claim 3, Kurata et al. discloses the scan window apparatus of claim 2, and wherein the light source comprises a stationary light source (col. 4, line 65 through col. 5, line 2).

Regarding claim 5, Kurata et al. discloses the scan window apparatus of claim 2, and wherein the scanning device comprises a moveable scanning light positioned proximate the second side of the platen, and further wherein the light source comprises the scanning light (fig. 4, lights 31 and 32).

Regarding claim 7, Kurata et al. discloses the scan window apparatus of claim 1, and wherein: the scan window definition device comprises a plurality of moveable position markers configured to move along the first and second edges of the scanable surface and thereby define the selected scan window; the scanable surface is a transparent platen defined by a top and a bottom surface and by the first and second edges; the scan window illumination device comprises a light source located in each of the position markers; and the light sources are located proximate to the edges of the platen to allow light from the light sources to shine into the platen between the top and bottom surfaces thereof (col. 4, line 65 through col. 5, line 2).

Regarding claim 8, Kurata et al. discloses the scan window apparatus of claim 7, and further wherein the transparent platen is impregnated with light reflective particles oriented to

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reflect light from the light sources, but to allow light to freely pass through the platen from the bottom surface to the top surface (col. 3, lines 7-9 and col. 4, lines 15-19).

Regarding claim 9, Kurata et al. discloses the scan window apparatus of claim 1, and wherein the selected scan window is defined by a scan window perimeter, and further wherein the scan window illumination device comprises a focused light source configured to generate a focused beam of light which is configured to be directed to trace at least part of the scan window perimeter (col. 4, line 65 through col. 5 line 2).

Regarding claim 10, Kurata et al. discloses the scan window apparatus of claim 9, and further wherein the scan window definition device comprises a plurality of moveable position markers configured to move along the first and second edges of the scanable surface and thereby define the selected scan window, the apparatus further comprising a plurality of position detectors configured to detect the positions of the plurality of position markers along the first and second edges of the scanable surface and to generate position signals in response thereto, and further wherein the apparatus is configured to use at least one of the position signals to direct the focused beam of light (col. 3, line 5 through col. 4, line 61).

Regarding claims 13, 16-18, 21, 22 and 27, arguments analogous to those presented for claim 1 are applicable to claims 13, 16-18, 21, 22 and 27.

Regarding claims 14, 15 and 24, arguments analogous to those presented for claim 7 are applicable to claims 14, 15 and 24.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata et al. (U.S. Patent No. 4,518,999), and further in view of well known in the art.

Regarding claims 4, 6, 23 and 25, the use of light diffusers is well known and routinely implemented in the art. Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use light diffusers for projecting uniform lighting onto the platen.

Allowable Subject Matter

Claims 11, 12, 19, 20 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
June 25, 2005


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600